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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,619	06/14/2001	Andrew J. Loveland	Loveland-1	9262
7590	04/07/2006		EXAMINER	OYEBISI, OJO O
Arthur L. Plevy Duane, Morris & Heckscher LLP Suite 100 100 College Road West Princeton, NJ 08540			ART UNIT	PAPER NUMBER
3628				
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/881,619	LOVELAND, ANDREW J.
	Examiner	Art Unit
	OJO O. OYEBISI	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 May 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date <u>06/14/01</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fieldelson et al (Fieldelson hereinafter, US PAT: 6,345,261).

**Re claim 1.** Feidelson discloses a method of providing a consumer of products with equity in the provider of said products (see abstract), comprising the steps of: selecting a product of the provider offered for sale (fig.4 see SEARCH menu (i.e., Merchant and Category); determining a percentage based on the cost of the product to be rewarded to a consumer in the form of equity in the provider (i.e., means for receiving rebates based on member purchases made at the merchants, see col.2 lines 58-67); charging the consumer for the cost of the product purchase (see fig5, element 530 and 515); retaining the percentage for a selected period of time for funding the purchase of equity associated with said provider (i.e., the issuance of shares in the investment fund to each respective member based on his respective determined rebates for a given period....., see col.3 lines 37-43); acquiring equity in said provider (see abstract); and

transferring the acquired equity into the consumer's brokerage account (see fig.4 element 420 and 405).

**Re claim 2.** Fieldelson further discloses the method of claim 1, further comprising the step of: accumulating additional percentages for a selected period of time for funding the purchase of equity associated with the provider (i.e., the issuance of shares in the investment fund to each respective member based on his respective determined rebates for a given period....., see col.3 lines 37-43).

**Re claim 3.** Fieldelson further discloses the method of claim 1, further comprising the step of: providing the consumer with a brokerage account (see fig.4 elements 420 and 405).

**Re claim 4.** Fieldelson further discloses the method of claim 1, wherein equity includes equity options and mutual funds (i.e., merchant securities, see abstract, also see "issuing mutual funds to members, col.7 lines 5-10).

**Re claim 6.** Fieldelson further discloses the method of claim 1, further comprising the step of: providing the consumer with the option of adding additional amounts to said percentage (i.e., members may choose to make direct investment in the fund, see col.14 lines 18-30).

**Re claim 7.** Fieldelson further discloses the method of claim 1, further comprising the step of: netting off demand for equity with consumers selling equity associated with the same provider of products (i.e., shares redemption, see fig.4 element 435, also see col.13 lines 1-15).

**Re claim 8.** Fieldelson further discloses the method of claim 1, further comprising the

step of providing the consumer with the option of selling investments (shares redemption, see col.13 lines 1-15).

**Re claim 9.** Fieldelson further discloses the method of claim 1, wherein the product includes goods and services (see fig.4 elements under Partner Directory).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fieldelson.

**Re claims 10, 21.** Fieldelson further discloses a method of providing a consumer with the ability to purchase products directly through a company's portal or web site against a consumer's accounts (see abstract and summary of the invention), comprising the steps of: entering into a second agreement for a selected period of time with a provider to offer for sale the provider's products on the company's portal or web site whereby a consumer selectively purchases a product through the company's portal or web site (see abstract, also see fig.4); and processing the purchase transaction made by the consumer (see fig.5 element 515). Fieldelson neither discloses a consumer's margin account nor entering into a first agreement for a selected period of time with a brokerage, wherein consumers are able to access the consumer's portfolio through a company's portal or web site through which the consumer makes transactions affecting

the margin availability of a consumer's margin account. However, official notice is taken that establishing a margin account and engaging in margin transactions are old and well known in the financial world. What is a margin account? A margin account is a credit account set up by a client at a brokerage firm that let the client borrow from his broker to buy securities or for any other purpose, and margin is the amount you must deposit when you use your broker's credit to buy securities. A margin account lets you make a secured loan against your own portfolio. It would have been obvious to one of ordinary skill in the art to include a margin account in addition to the credit account that was already taught by Fieldelson to allow users to borrow against their own portfolio, which in the long run magnifies the user's gains.

**Re claim 5.** Fieldelson does not disclose the method of claim 1, wherein the consumer pays for the product against margin through the consumer's brokerage account includes portfolio-held collateral. Fieldelson does disclose the method of claim 1, wherein the consumer pays for the product against margin through the consumer's credit account. However, official notice is taken that establishing a margin account and engaging in margin transactions are old and well known in the financial world. Thus it would have been obvious to one of ordinary skill in the art to include a margin account in addition to the credit account that was already taught by Fieldelson to allow users to borrow against their own portfolio, which in the long run magnifies the user's gains.

**Re claim 11.** Fieldelson further discloses the method of claim 10, the step of processing further comprising the steps of: notifying the brokerage and the providers of the completed transaction (i.e., electronic confirmation of fund share is provided to each

member by the administrative system, see col.11 lines 61-65); retrieving funds from the brokerage (i.e., shares redemption, see col.13, lines 1-15); extracting a transaction fee (i.e., administrator's fee for the administration of the fund, see col.13 lines 20-25); and distributing the funds to the providers (see composition of fund, col.13, lines 45-50).

**Re claim 12.** Fieldelson further discloses the method of claim 10, further comprising the step of: providing an equity reward in the provider associated with the product purchased by the consumer (see abstract and the summary of the invention).

**Re claim 13.** Fieldelson further discloses the method of claim 12, further comprising the steps of: retaining a percentage based on the cost of the product purchased for a selected period of time for funding the purchase of equity associated with the provider (i.e., the issuance of shares in the investment fund to each respective member based on his respective determined rebates for a given period....., see col.3 lines 37-43).

**Re claim 14.** Fieldelson does not explicitly disclose the method of claim 13, further comprising the step of: accumulating additional margin percentages for a selected period of time for funding the purchase of equity associated with the provider. Fieldelson does disclose that members may choose to make direct investment in the fund (see col.14 lines 18-30), but does mention where the investment fund comes from. However, official notice is taken that establishing a margin account and engaging in margin transactions are old and well known in the financial world. Thus it would have been obvious to one of ordinary skill in the art to include a margin account in addition to the credit account that was already taught by Fieldelson to allow users to borrow against their own portfolio, which in the long run magnifies the user's gains.

**Re claim 15.** Fieldelson further discloses the method of claim 10, wherein equity includes equity options and mutual funds (i.e., merchant securities, see abstract, also see "issuing mutual funds to members", col.7 lines 5-10).

**Re claim 16.** Fieldelson further discloses the method of claim 13, further comprising the step of: providing the consumer with the option of adding additional amounts to said margin percentage (i.e., members may choose to make direct investment in the fund, see col.14 lines 18-30).

**Re claim 17.** Claim 17 recites similar limitations to claim 10, and thus rejected using the same art and rationale in the rejection of claim of 10.

**Re claim 18.** Claim 18 recites similar limitations to claim 11, and thus rejected using the same art and rationale in the rejection of claim of 11.

**Re claim 19.** Claim 19 recites similar limitations to claim 15, and thus rejected using the same art and rationale in the rejection of claim of 15.

**Re claim 20.** Claim 20 recites similar limitations to claim 13, and thus rejected using the same art and rationale in the rejection of claim of 13.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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